

Hampton Board of Selectmen  
Minutes of August 13, 2012

PRESENT: Richard Griffin, Chairman  
Richard Nichols, Vice Chairman  
Michael Pierce, Selectmen  
Ben Moore, Selectmen  
Philip Bean, Selectmen  
Frederick Welch, Town Manager  
Mark Gearreald, Town Attorney

7:00 PM Public Meeting

SALUTE TO THE FLAG

I. Public Comment Period

Norman Silberdick, 70 Tide Mill Road, discussed recycling, and the work being done by the Recycling Committee. He would like to see the Board of Selectmen and Recycling Committee working together on this topic.

Richard Reniere, 29 Highland Ave, commented on the Chairman policy of limiting public comment to 3 minutes.

II. Announcements and Community Calendar

Mr. Pierce announced the Art Display at Town Office and the PC program he is in charge of with the schools and his current needs.

Mr. Moore announced the Art instruction event at Tuck Museum and provided the information for the Pig Roast.

Chairman Griffin announced a golf tournament at the Wentworth to help students at UNH.

III. Appointments

1. Ralph Fatello
  - a. Wounded Warriors and September 11<sup>th</sup>

Ralph Fatello discussed the Wounded Warriors Hit the Beach Event and use of Town parking spaces with the Board of Selectmen.

Mr. Pierce MOTIONED to approve the use of four parking spaces for the Wounded Warriors event on August 24<sup>th</sup> from 9 to 3. Chairman Griffin SECONDED.

VOTE: 5-0-0

Ralph Fatello also discussed September 11<sup>th</sup> being right around the corner and the events that will take place.

2. Michael Schwotzer
  - a. Monthly Financials

Mr. Schwotzer discussed in its entirety the monthly financials for July, which can be found on the Town website.

Discussion/Comments/Questions from the Board.

Mr. Pierce commented on the Skate Board Park.

Mr. Moore commented on Highway Subsidy, liability in General Insurance, Workman's Comp, and overtime budget in DPW, drainage construction, and budget transfers.

Mr. Nichols commented on the drainage warrant article, litigation expenses and other legal accounts, expense for trash carts and parking lot revenues.

Chairman Griffin commented on the recycling savings.

Mr. Schwotzer also presented the Board with an analysis on recycling costs and savings.

3. Jay Diener, Chair –Conservation Commission
  - a. Batchelder Farm Update

Jay Diener, Chair, and Nathan Page –Conservation Commission provided an update on Batchelder Farm with the Board of Selectmen. Nathan Page spoke on all the things that the Conservation Commission does for the Community.

There were no questions from the Board

4. Ellen Goethel
  - a. Seal Virus Update

Ellen Goethel provided the Board of Selectmen with an update on the Seal viruses/deaths. She expressed real concern with these diseases and spreading to other mammals, including Humans.

Discussion/Comments/Questions from the Board.

Chairman Griffin questioned what actions individuals should take and the law in regards to staying away from Seals.

Mr. Moore made the following comments: has no objection to Ms. Goethel and Mr. Welch working on this together, protocol for Town employees working with these mammals and State beaches.

Mr. Nichols made the following comments: protocol on Town beaches in regards to dead animals, dead Seals on State beaches last year, and what happens on private property.

5. Mary-Louise Woolsey
  - a. Waste and Recycling

Ms. Woolsey discussed information in regards to the waste, recycling and enforcement with the Board of Selectmen. She would like to see the costs involved with bringing recycling in-house. And the issues regarding the State.

Discussion/Comments/Questions from the Board.

Mr. Nichols clarified from factual standpoint information on the waste ordinance and piles at Transfer Station.

Mr. Noyes commented on the sifting out of sand from the trash.

6. Vic DeMarco
  - a. Public Comments of 07/16/2012
  - b. Town Budget

Vic DeMarco discussed the following with the Board of Selectmen: Police Department staffing and patrolling the Beach area, Packers and Recycling, and use of the Undesignated Fund.

Discussion/Comments/Questions from the Board.

Mr. Moore commented that they have not discussed the analysis that is to be presented by Mr. Schwotzer tonight in regards to recycling.

Mr. Nichols commented on the following: recycling analysis, capacity of side arm packers, number of packers in use and both ends of Salt Shed open.

7. Jon Gozzo
  - a. Parking Lot at High Street and Kings Highway

Jon Gozzo discussed parking, foot traffic and residential parking with the Board of Selectmen.

Discussion/Comments/Questions from the Board.

Mr. Bean and Mr. Pierce commented that this is an issue for the Town Manager, DPW, and Police Department issue.

There was an additional discussion and clarification on the lot at the end of High Street being a resident only lot. Mr. Gozzo would like to see some spots with a time limit such as 30 minutes.

The Board agreed that the signs for these lots should be replaced. And that these lots are Municipal parking lots for residents stickered only.

Mr. Nichols brought up enforcing resident only parking will raise issues for the businesses on the block.

The Board determined that the Town Manager would discuss this with the Chief of Police.

There was a discussion on expanding the lot and issues involved with doing this.

8. Greg Serpis
  - a. Hampton Resident Parking for Scooters at High and Kings Hwy Lot

Greg Serpis discussed the petition he has to add scooter/moped parking a High and Kings Hwy Lot with the Board of Selectmen.

Discussion/Comments/Questions from the Board.

Mr. Moore commented on being in favor of the proposed spaces but not the ones on the corner of the lot. Mr. Pierce agreed with Mr. Moore.

Mr. Pierce questioned the size of the spaces and adding spaces for motorcycles.

Mr. Bean supports the comments of Mr. Moore and restricting it to scooters and mopeds.

The Board determined that the Town Manager would discuss this with the Chief of Police

#### IV. Approval of Minutes

##### 1. July 23, 2012

Page 8: 4th paragraph, rework the paragraph to read as follows: "Mr. Nichols questioned the increase in the cost of the Roundabout from \$250,000 to \$600,000, and Mr. Noyes stated that that cost of \$250,000 came from Durham as they did one, and the cost of the \$600,000 was the estimate from the Engineer"

Page 10: 3<sup>rd</sup> paragraph, Change the word "values to valves"

Page 11: 5<sup>th</sup> paragraph, the acronyms of "UDFB and CBS" to be changed to "UFB and CBA," respectively.

Page 12: 1<sup>st</sup> paragraph, add a d to the word dredge.

Mr. Nichols MOTIONED to APPROVE the minutes of July 23 2012 as amended. Mr. Pierce SECONDED.

VOTE: 5-0-0

##### 2. July 30, 2012

Page 7: 2<sup>nd</sup> paragraph, add the following line: "Mr. Nichols also requested that future notices be placed in the Hampton Union as opposed to the Portsmouth Herald."

Page 10: Insert the following after the word "committee" in the 7<sup>th</sup> line "committee; which consisted of Dick Desrosiers, Dick Nichols, Fred Welch, and Mark Gearreald;"

Page 11: 1<sup>st</sup> paragraph, 5<sup>th</sup> line, remove the words "mixture of all options" and add Indexed pricing on the G-1 account and the 3-year fixed price on the G-2 account; add G-1 before interest rates on the 6<sup>th</sup> line.

Mr. Pierce MOTIONED to APPROVE the minutes of July 30, 2012 as amended. Mr. Moore SECONDED.

VOTE: 5-0-0

##### 3. August 7, 2012 – Public Portion

Mr. Moore MOTIONED to APPROVE the Public portion of the minutes of August 07, 2012. Mr. Pierce SECONDED.

VOTE: 5-0-0

Mr. Welch requested that Mr. Noyes and the DPW's CIP that is listed under Old Business be discussed before the Town Managers' Report.

Mr. Noyes discussed DPW's revised CIP and its adoption.

Discussion/Comments/Questions from the Board.

Mr. Nichols commented on the following: impact on taxpayer, 5 items still in DPW CIP, some problems Town has had for a long time and moving a little too fast, read through DPW CIP and commented on many items, would like to see an update of this plan come out of

tonight's meeting, update on tax rate and debt service after making changes and see updated plan go to CIP Committee.

Mr. Bean commented on the following: support from the taxpayers has been extraordinary, he would endorse the wash station and limited in support of other items that will significantly impact the tax rate.

Mr. Pierce commented on the following: appreciates work Richard has done, supports the dam work, and will not support the intersection of Lafayette Road/Winnacunnet Road.

Mr. Moore commented on the following: disagrees with Mr. Pierce about the intersection of Lafayette Road/Winnacunnet Road and mentioned the 80% funding for this project, thinks the DPW Director has modified plan as asked, will not support an increase to CIP, supports wash station, questioned if 5 corners should be pushed out and ready to go forward with the \$2.3M for the CIP.

Mr. Noyes brought up the work at the WWTP and items the Town agreed to in regards to improvements.

Chairman Griffin commented on the following: agrees with comments made by Mr. Moore, supports Winnacunnet/Lafayette Road intersection if they are to get the Federal funding,

Mr. Noyes discussed the needed sewer work at the Lafayette/Winnacunnet Road intersection.

Mr. Nichols would advocate moving the five corners out to 2014. Mr. Moore and Mr. Pierce both commented on pushing the five corners out.

Mr. Nichols MOTIONED to APPROVE the CIP in the amount of \$1.725M moving the \$600,000 for five corners out to 2014. Mr. Moore SECONDED.

VOTE: 3-2(Pierce, Bean)-0

#### V. Town Manager's Report

1. The debate for Senate and House candidates for the General Court is scheduled for October 11, 2012 between 7 and 9PM on Channel 22
2. Normandeau Associates as the low bidder out of seven was awarded the contract for GPS mapping of sewer and drain facilities for \$9950.00 as the low bidder out of seven.
3. Work on the reconstruction of the western half of Exeter Road from Timber Swamp Road to the Exeter Town Line is underway. The roadway is closed except to local traffic until the work is completed and completion date 08/26 depending on weather.
4. Deeds and documents for the conservations easements on the Batchelder Property on Exeter Road were executed by the Selectmen on August 8, 2012.
5. The 2013 Budget is on track and we expect to deliver it to the Board on 08/24 in accordance with the schedule.

#### Other reports of the Town Manager

Mr. Welch added the following items: Casella cost per ton for recycling down to zero, radiological response plan for the Town, acceptance of Cassie Lane, Intermodal transportation study update, operational plan for DRED report given to Board, Cable Franchise Plan and second cable station to be located at the Fire Station.

#### Discussion/Comments/Questions from the Board.

Mr. Nichols commented on the following items: Casella pricing for recycling, Cable TV contract standings and need for better feedback and DRED plan.

Mr. Pierce commented on the following item: Cable TV contract.

Mr. Moore commented on the following item: DRED plan and minute taking.

There was a discussion amongst the Board on minute taking and the Board agreed to go with the less detailed minutes.

#### VI. Old Business

##### 1. CIP Discussion and Adoption

###### Discussion

Mr. Nichols commented on the following items: Recreation 2 items included and the 3 things that are going to be asked for in the future, reason why the Tuck construction is not on CIP, need for an update Rec CIP and the final item was the building CIP report which he is opposed to both items included windows and Court House.

There was a discussion amongst the Board about the future plans for Tuck and need for further information from Dyana on this.

Mr. Moore commented on the following items: fields at Campbell property as opposed to Batchelder property and possibility of using 20% of parking revenues proceeds to update Kids Kingdom.

There was a consensus amongst the Board to remove the two items: 1. Remodeling of the Court House and 2. Town Offices Windows; in regards to buildings from the CIP.

##### 2. IT Committee Letters of Interest

Mr. Pierce opened the discussion of the IT Committee for the Board. The three people submitting letters of interest are listed below.

- a. Tim Jones
- b. Ben Soussan
- c. Stephen La Branche

###### Discussion

Mr. Bean made the following comment: integration with the State and terms that Mr. Moore will discuss for committee.

Mr. Moore made the following comment: establish the committee with some sort of sunset time period such as 6 months.

Mr. Moore MOTIONED to APPROVE the formation of the IT Committee with a sunset date of 3/31/13 and the three individuals listed above are appointed to the committee. Mr. Pierce SECONDED.

VOTE: 5-0-0

Mr. Moore MOTIONED that Mr. Nichols be appointed as the Selectman's Representative to the IT Committee. Mr. Pierce SECONDED.

VOTE: 5-0-0

### 3. 2012 Selectmen's Goals

Mr. Nichols MOTIONED to APPROVE the five Selectmen goals as presented. Mr. Moore SECONDED.

VOTE: 5-0-0

## VII. New Business

### 1. Protocol – Board of Selectmen Lines of Communication

The Board of Selectmen discussed the protocol of the Boards current lines on communication and Mr. Bean shared why this came about and how he feels it should be handled especially during the summer. Mr. Bean thinks communication with Department Heads should go through the Town Manager, then the Chairman and Vice Chairman.

Chairman Griffin agrees with Mr. Bean and it should happen year round as opposed to just during the summer.

Mr. Moore would support some control over communications and getting request for information from the Town Manager.

Mr. Nichols made the following comments: three forms of communication meetings, email and phone conversations, meetings he has had with Department Heads himself, copying Mr. Welch on email communications, phone conversations are usually quick and how he has never popped in on a Department Head and is flexible when setting up meeting times with a Department Head.

Mr. Welch commented on the many things going on at this time of year and how busy Department Heads are at this time.

Mr. Bean pointed out that he always copies Mr. Welch and Chairman of the Board when he sends an email.

Mr. Moore made comments on the following: Mr. Pierce's comment on taxpayer rights being taken away, talking about trying to improve the Boards efficiency, possibility of improving transparency, his biggest concern is "skipped management", look at this as a two or three month experiment and this is something they should try.

Mr. Nichols does not have a problem if the change is that Mr. Welch is made aware of any meetings a Selectmen wishes to have with a Department Head and to ask if he wishes to attend and to cc: Mr. Welch on all emails to Department Heads.

Mr. Pierce commented on an email he sent to Mike and the responses he received. He is not sure where this is coming from or why it is being brought up.

Mr. Pierce made the following comments: curious as to how the line of communication will work, who he should copy when obtaining information, expressed concern with this taking away his freedom of speech, his rights as a taxpayer, what is the enforcement mechanism here, very concerned with his rights being taken away and concern with funneling all communications through one person.

Chairman Griffin commented that he wants these requests to go through Mr. Welch.

There was an additional discussion on a meeting that took place at DPW.

Mr. Bean MOTIONED to APPROVE the following: In communication with Department Heads, in scheduling of meetings with Department Heads and subordinate employees, that the Town Manager is consulted and the Chairman and Vice Chairman are copied and informed. Mr. Moore SECONDED.

Discussion on the motion

Mr. Nichols does not have a problem with this, and is consistent with what he said and that this should be brought up with the Department Heads at their staff meeting and that Department Heads should ask that the emails be directed back to the Town Manager, if they feel the requests are too complicated to address in 5 minutes.

VOTE: 4-1(Pierce)-0

Mr. Nichols commented that there is no impact on emails and phone calls other than copying the Town Manager, and the focus of the motion was meetings and he asked Mr. Bean if he was correct in that he heard nothing in Mr. Bean's motion about emails and phone calls. Mr. Beans responded yes.

2. Authorization of the Town Manager to sign Landfill Closure Grant Number "L-061 Certification

Mr. Moore MOTIONED to APPROVE the Authorization of the Town Manager to sign Landfill Closure Grant Number "L-061 Certification. Mr. Pierce SECONDED.

VOTE: 5-0-0

3. Approval and Authorization for the Town Manager to sign Seafood Festival Sidewalk Permits.

Mr. Pierce MOTIONED to APPROVE the Authorization for the Town Manager to sign Seafood Festival Sidewalk Permits. Mr. Moore SECONDED.

VOTE: 5-0-0

#### VIII. Consent Agenda

1. ~~Parade and Public Gathering License "Hampton Beach Seafood Festival" 09/07-09/09~~
2. Parade and Public Gathering License "Tri-State Seacoast Century Weekend" 09/22-09/23
3. Solicitation Permit "Hampton Firefighters Local 2664" 08/19 (Rain date 08/20)
4. Nano Brewery Liquor License "Blue Lobster Brewing Company" 845 Lafayette Rd
5. Seafood Festival Sidewalk Vendors License – Jewelry Shak 225 Ocean Blvd; Bargan World 235 Ocean Blvd; Shirts R Us/Shirt Works 105 Ocean Blvd; MeMakMy 225 Ocean Blvd; Mohab's Jewelry 237 Ocean Blvd; Hot Rendz 247 Ocean Blvd; The Third Eye 105 Ocean Blvd; Beach Basics 121 Ocean Blvd

Mr. Moore MOTIONED to MOVE items 2 through 5 on the Consent Agenda. Mr. Pierce SECONDED.

VOTE: 5-0-0

Discussion on Item #1



1. Parade and Public Gathering License "Hampton Beach Seafood Festival" 09/07-09/09

Mr. Nichols would like to clarify that the Seafood Committee members in charge of the Hampton Beach Seafood Festival are aware that they will be billed for any work that the Town provides to the Committee. Mr. Welch stated that this has been discussed amongst the Department Heads and the Committee has been made aware of the fact that they will be charged.

Mr. Nichols MOTIONED to MOVE item #1 on the Consent Agenda. Mr. Pierce SECONDED.

VOTE: 5-0-0

IX. Selectmen's Closing Comments

Chairman Griffin commented on the complaint in regards to the 3-minute limit on Public Comments and he has heard very few complaints and many positive comments about this. Mr. Moore pointed out that Chairman Griffin has been very consistent with enforcement. Mr. Nichols wonders if some consideration should be made to giving some sort of 15-second warning. Chairman Griffin will begin to give a 15-second warning.

X. Adjournment

Mr. Moore MOTIONED to adjourn the public meeting. Mr. Pierce SECONDED.

VOTE: 5-0-0

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Chairman